

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by inserting after the title the following:

Amend the resolve by inserting after the title the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes in compost management rules are needed as soon as possible for the current growing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it'

Amend the resolve in section 1 in the 4th line (page 1, line 4 in L.D.) by striking out the following: "100 cubic yards" and inserting the following: '60 cubic yards as long as the farm is operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources'

Amend the amendment by striking out all of section 2 (page 1, lines 15 to 31 in amendment) and inserting the following:

Sec. 2 Department of Agriculture, Food and Rural Resources and Department of Environmental Protection to examine operations requiring a compost management plan. Resolved: That the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection shall review agricultural composting operations that are exempt from licensing as a solid waste facility under the Department of Environmental Protection Rules, Chapter 410, Section 1, Paragraph B, Subparagraphs (4), (5), (6) and (7).

The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Environmental Protection shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 3, 2012 with recommendations for statutory changes needed to clarify or enhance oversight of agricultural composting operations by the Department of Agriculture, Food and Rural Resources. For the purposes of this section, "agricultural composting operations" means composting that takes place on farms and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste and produce and other vegetable and food waste.

The Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill during the Second Regular Session of the 125th Legislature pertaining to oversight of agricultural composting operations.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period to 60 cubic yards, instead of 100 cubic yards as proposed in the resolve, and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Environmental Protection, in addition to the Department of Agriculture, Food and Rural Resources, to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Environmental Protection, in addition to the Commissioner of Agriculture, Food and Rural Resources, to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations. The amendment also adds an emergency preamble and an emergency clause.